

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RODGER WILLIAMS,
Plaintiff

v.

SUPERINTENDENT LAUREL HARRY,
Defendant

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No. 1:16-cv-01759

(Judge Kane)
(Magistrate Judge Carlson)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Before the Court is the August 24, 2016 Report and Recommendation of Magistrate Judge Carlson (Doc. No. 8), recommending dismissal of Plaintiff Rodger Williams' complaint (Doc. No. 1), under 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2)(B)(ii) without prejudice to the Plaintiff filing an amended complaint that corrects the pleading deficiencies identified by Magistrate Judge Carlson in his screening review of the complaint. No timely objections to the Report and Recommendation have been filed. However, Plaintiff has filed three discovery-related motions following the issuance of Magistrate Judge Carlson's Report and Recommendation that are now pending before the Court. (Doc. Nos. 9, 10, 11.)

ACCORDINGLY, on this 19th day of June 2017, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 8), of Magistrate Judge Carlson;
2. Plaintiff Rodger Williams' complaint (Doc. No. 1), is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2)(B)(ii);
3. Plaintiff is directed to file an amended complaint within thirty (30) days from the date of this Order that corrects the pleading deficiencies identified by Magistrate Judge Carlson in the Report and Recommendation;

4. Plaintiff's motions to compel discovery (Doc. Nos. 9, 10, 11), are **DENIED AS PREMATURE**;¹ and
5. The above-captioned action is **RECOMMITTED** to Magistrate Carlson for further pretrial management.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

¹ Pursuant to Local Rule 5.4(a), discovery in this matter may commence no later than thirty (30) days after the complaint has been served upon the defendant. Local Rule 5.4(a) contemplates that discovery in pro se cases will not begin until the Court directs the Clerk to serve a copy of the complaint on the defendant following an initial screening review of the complaint in accordance with 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2)(B)(ii). Here, Plaintiff's complaint was screened by the undersigned Magistrate Judge and dismissed without prejudice to the Plaintiff filing a forthcoming amended complaint. Consequently, no pleading has been served on the Defendant to date. Therefore, these attempts by the Plaintiff to conduct discovery are premature and will be denied without prejudice. See Robinson v. Wetzel, No. 3:11-CV-2194, 2012 WL 1744501, at *3 n.1 (M.D. Pa. May 16, 2012); White v. Bledsoe, No. 3:08-CV-01388, 2008 WL 4793737, at *1 (M.D. Pa. Oct. 31, 2008).